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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,787	01/02/2004	Eric Matthew Elliott	ZIM0399	1499
7590 05/28/2008				
John F. Hoffman, Esq. BAKER & DANIELS LLP Suite 800 111 East Wayne Street Fort Wayne, IN 46802			EXAMINER RAMANA, ANURADHA	
			ART UNIT 3733	PAPER NUMBER
			MAIL DATE 05/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,787

Applicant(s)

ELLIOTT, ERIC MATTHEW

Examiner

Anu Ramana

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 7-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 10 and 11 is/are allowed.
6) ☒ Claim(s) 3-5, 7-9 and 12-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 1/2/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

The finality of the last office action is withdrawn in view of the new rejections made in this action. The Examiner sincerely apologizes for any inconvenience caused to the Applicant by this action.

Claim Objections

Claim 7 is objected to because of the following informalities. In line 15, "the axis" should be "the handle axis" to avoid confusion. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 7-8, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melkent et al. (US 6,725,080) in view of Gmeilbauer (US 6,606,925).

Melkent et al. disclose a hand tool including: a handle 340; a targeting guide 350; an extension projecting from the handle such that the targeting guide is offset from the handle axis in one plane; extension tubes (310a, 310c) extending from the targeting guide wherein the targeting guide is elongated perpendicular to the handle axis (Figs. 3 and 4-4b and col. 6, lines 45-61).

Melkent et al. disclose all elements of the claimed invention except for a "means for imparting torque to a workpiece attached to the first end of the handle."

Gmeilbauer teaches a handle for a hand tool wherein shanks or drivers can be provided on the handle to enable attachment of tool inserts wherein the driver has a

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non-circular cross section and an enlarged end embedded in the handle (Fig. 2, col. 3, lines 6-18, col. 4, lines 34-51 and col. 5, lines 30-44).

Thus, it would have been recognized by one of ordinary skill in the art at the time the invention was made that applying the known technique of providing tool inserts or drivers on a handle, as taught by Gmeilbauer, would have yielded predictable results, i.e., flexibility of use of the Melkent tool with a wide range of tools so that the handle and the tools or accessories may form a tool kit.

Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melkent et al. (US 6,725,080) and Gmeilbauer (US 6,606,925), further in view of Lamond et al. (US 6,418,820).

The combination of Melkent et al. and Gmeilbauer discloses all elements of the claimed invention except for a handle having an elliptical longitudinal shape.

Lamond et al. teach a hand tool having a handle with a longitudinal elliptical shape that facilitates proper and efficient use of the tool while reducing stress placed on the hand and arm (col. 1, lines 61-67).

Thus, it would have been recognized by one of ordinary skill in the art at the time the invention was made that applying the known technique of providing a longitudinal elliptical shape, taught by Lamond et al., to the handle of the device of the combination of Melkent et al. and Gmeilbauer, would have yielded predictable results, i.e., proper and efficient use of the tool with reduction of stress placed on the hand and arm of the user.

Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melkent et al. (US 6,725,080) and Gmeilbauer (US 6,606,925), further in view of Cesarone (RE38,684E).

The combination of Melkent et al. and Gmeilbauer discloses all elements of the claimed invention except for an insert or sleeve to change the diameter of the guide hole of the guide hole extension tube.

Cesarone teaches providing an insert or sleeve in a guide member to change the inside diameter of the guide member for proper drill alignment (col. 6, lines 48-67 and col. 7, lines 1-38).

Thus, it would have been recognized by one of ordinary skill in the art at the time the invention was made that applying the known technique of providing an insert or sleeve, taught by Cesarone, to the device of the combination of Melkent et al. and Gmeilbauer, would have yielded predictable results, i.e., proper alignment of a tool placed inside the guide hole extension tube with a target location.

Allowable Subject Matter

Claims 10 and 11 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anu Ramana whose telephone number is (571) 272-4718. The examiner can normally be reached Monday through Friday between 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached at (571) 272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR

May 25, 2008

/Anu Ramana/
Primary Examiner, Art Unit 3733